

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE VALENTIN CHAVEZ-CAZAREZ,

Defendant.

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8:08CR9

ORDER

This matter is before the court on the oral motion of Michael T. Levy to withdraw as counsel for the defendant, Jose Valentin Chavez-Cazarez (Chavez-Cazarez). Mr. Levy's motion to withdraw is granted. Jessica Milburn, P.O. Box 6668, Lincoln, NE 68506, (402) 488-7894, is appointed to represent Chavez-Cazarez for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Levy shall forthwith provide Ms. Milburn with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Levy which are material to Chavez-Cazarez's defense.

The clerk shall provide a copy of this order to Ms. Milburn and the Office of the Federal Public Defender. Ms. Milburn shall enter her appearance forthwith.

The trial scheduled for June 17, 2008, is **canceled** and rescheduled **for July 1, 2008**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such additional time and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 6, 2008 and July 1, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's newly appointed counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**IT IS SO ORDERED.**

DATED this 6th day of June, 2008.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge